

City Council Meeting Minutes

**July 14, 2020
Electronic Meeting
6:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember Kyle Brown
Councilmember J. Caleb Dickinson
Councilmember Deborah Fahey
Councilmember Chris Leh
Councilmember Jeff Lipton***

Staff Present: ***Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Nathan Mosely, Parks, Recreation, & Open Space Director
Kurt Kowar, Public Works Director
Rob Zuccaro, Planning & Building Safety Director
Chris Neves, Information Technology Director
Sharon Nemechek, Library Director
Dave Hayes, Police Chief
Megan Pierce, Economic Vitality Director
Kathleen Hix, Human Resources Director
Emily Hogan, Assistant City Manager for Communications
& Special Projects
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Councilmember Lipton moved to approve the agenda; seconded by Councilmember Fahey. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

Marc Cathcart, 1763 Sweet Clover Lane, stated he would like the Council to follow up on his recommendations from November 2019. He would like the Council to consider changing the notification distance in the municipal code to 750 feet and that formal notification be required for legislative zoning changes.

John Willson, Chief Louisville Fire District, stated this was a quarterly check in with the Council. He gave safety tips reminding people to turn off propane to grills when not in use and to be sure barbeque charcoals are fully out before putting them in the trash.

RJ Harrington, 457 Raintree Court, commented on Consent Agenda Items D & F. He asked if the City was investing in fossil fuels or had divested from that. He noted the police car purchase and asked the City to consider electrifying the entire fleet.

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann called for changes to the consent agenda; hearing none she asked for a motion to approve the consent agenda. Councilmember Lipton moved to approve the agenda; seconded by Mayor Pro Tem Maloney. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: June 16, 2020***
- C. *Approval of Resolution No. 48, Series 2020 – A Resolution Approving an Memorandum of Understanding with Xcel Energy to Implement a Strategic Energy Management Program***
- D. *Authorization to Execute a One-Year Extension to the Current Investment Management Services Contract with Chandler Asset Management***
- E. *Approval of Resolution No. 49, Series 2020 – A Resolution Approving a First Amendment to a Service Order with Markley Designs***
- F. *Approval of Purchase of Three 2020 Police Interceptor Sport Utility Vehicles***
- G. *Approval of Resolution No. 50, Series 2020 – A Resolution Calling a Special Election for November 3, 2020, to be Conducted as a Coordinated Election, for the Purpose of Submitting TABOR Ballot Issues to the Registered Electors of the City and for the Election of a Ward 3 Councilmember***

**COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE
AGENDA**

Mayor Stolzmann reminded those listening that ordinances listed for first reading will not have public comments until the public hearing on second reading.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

RESOLUTION NO. 51, SERIES 2020 – A RESOLUTION AMENDING THE 2020 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, HISTORIC PRESERVATION FUND, RECREATION FUND, CAPITAL PROJECTS FUND, RECREATION CENTER CONSTRUCTION FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, SOLID WASTE & RECYCLING FUND, AND GOLF COURSE FUND FOR VARIOUS ADJUSTMENTS TO APPROPRIATIONS AND ADJUSTING BUDGETED REVENUE IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CONSERVATION TRUST – LOTTERY FUND, HISTORIC PRESERVATION FUND, RECREATION FUND, CAPITAL PROJECTS FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, SOLID WASTE & RECYCLING FUND, GOLF COURSE FUND, TECHNOLOGY MANAGEMENT FUND, AND FLEET MANAGEMENT FUND – PUBLIC HEARING (advertised *Daily Camera* 7/10/20)

Mayor Stolzmann introduced the item and opened the public hearing.

Director Watson stated this resolution is a significant amendment to this year's budget and will do three things: 1) reduce certain operating and capital expenditure budgets in response to revenue reductions due to the COVID-19 pandemic; 2) increase certain operating and capital expenditure budgets for items that staff did not anticipate, or were not measureable, at the time the original 2020 budget was adopted; and 3) adjust the revenue budgets to align with the latest annual revenue estimates for 2020.

He noted this information has been shared with the Finance Committee. Director Watson noted some of the larger expenditure increases in the proposal and the larger reductions that have been identified due to reduced revenue.

Director Watson stated the proposed amendment reduces the total expenditure budget by a net of \$2,461,540 and reduces the City's total revenue budget by a net of \$5,063,080. This is a significant change to the 2020 budget. If approved tonight, this is the base level

staff will start with for the 2021-22 budget. If new revenue projections are needed this year staff will bring those to Council.

Mayor Pro Tem Maloney noted these are massive changes to the budget and we don't know what our revenue will be like for the rest of this year.

Public Comments

RJ Harrington, 457 Raintree Court, noted the bump in expenditures for the utilities at the Recreation Center stating that is likely to continue.

Lettie Fickling, asked if the police budget will be considered for reductions while all departments are affected.

Councilmember Lipton moved to approve the resolution; Mayor Pro Tem Maloney seconded the motion.

City Manager Balser stated the Police Department has had cuts in supplies, forensics, and travel and training as were consistent in all departments.

Mayor Stolzmann closed the public hearing.

Roll Call Vote: Motion passed by unanimous roll call vote.

OPTIONS FOR MEETINGS FOR QUASI-JUDICIAL HEARINGS SUBJECT TO REFERENDUM

If Council wants to change the Rules of Procedure to allow for "hybrid" City Council meetings:

RESOLUTION NO. 52, SERIES 2020 – A RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE TO ALLOW FOR ELECTRONIC PARTICIPATION AT IN-PERSON MEETINGS

If Council wants to amend Resolution No. 38, Series 2020 to allow for all quasi-judicial matters to be heard by electronic participation:

RESOLUTION NO. 53, SERIES 2020 – A RESOLUTION AMENDING AND RESTATING PROCEDURES TO BE UTILIZED FOR QUASI-JUDICIAL HEARINGS AT MEETINGS CONDUCTED BY ELECTRONIC PARTICIPATION

Mayor Stolzmann noted there are two resolutions to choose from tonight depending on what the Council decides to do.

Clerk Muth stated staff continues to look into options for holding in-person meetings during the COVID-19 outbreak. While there is no legal requirement quasi-judicial hearings be held in-person, under the current City Council Rules of Procedure the Council may not

hold electronic meetings for land use applications the final decision regarding which is subject to referendum. Staff is presenting three options for Council consideration.

She noted this conversation is only for those items subject to referendum. Council has previously decided that items not subject to referendum may be heard electronically.

Clerk Muth reviewed the options. Option 1 - Council can continue with the existing rules whereby hearings on quasi-judicial matters subject to referendum must be held in-person. If Council would like to hold in-person meetings, the Rules of Procedure do not permit City Councilmembers to participate electronically, however Council could make electronic participation available to members of the public if it would like to.

As a legislative body, the City Council is allowed to meet in-person; however social distancing rules would not allow for many members of the public to attend a meeting in Council Chambers as the room is relatively small. Staff could arrange for in-person meetings at the Brooks/Crown Room at the Recreation | Senior Center to allow for more social distancing and the meeting could be broadcast on Channel 8 and web streamed.

This option would allow people to attend in-person to give comments. However, if there more than about 20 people in attendance this set up would not allow for people to attend the entire meeting in-person. People would have to be staged in a separate room and brought in to give public comments.

If Council would like, an electronic component could be made available for members of the public to attend and give comments remotely. This option would allow people at home to watch the meeting one of multiple ways including on Comcast Channel 8, via Zoom, and streaming through the City's website on YouTube.

Option 2 - Council could amend the Rules of Procedure to allow electronic participation by members of the Council at in-person meetings. Members of the public would also be able to attend electronically. Some members of Council have stated their reticence to attend in-person meetings with COVID-19 still spreading.

If Council would like to change its Rules of Procedure, the same setup and logistics for the Brooks/Crown Room would be used and the same electronic participation options would be available for the public.

The Legal Review Committee met on July 7 and recommends this option.

Option 3 – Council could amend Resolution No. 38, Series 2020 to allow the City Council to hold electronic meetings for quasi-judicial hearings for items subject to referendum.

Clerk Muth noted that Quasi-judicial items subject to referenda allow for residents to collect signatures on a petition to require the matter be referred to the ballot for public consideration. The state's Safer at Home Order explicitly permits signature

gatherers/circulators as a Critical Government Function and give specific advice on how to do this as safely as possible.

Public Comments – None

Mayor Pro Tem Maloney stated it is important that City business continue and we have sworn to do this. He noted the original plan to not hold quasi-judicial hearings was approved in March when we thought it would only be a few months before we could safely meet in-person again. That is not the case and we do not know when we will be able to do that again. For those of us in a high risk category we need an option where we don't have to meet in-person until there is a vaccine. While option two may be feasible, it does not allow for everyone to participate on the same level. He supports option three. Other cities are doing this and it is working.

Mayor Pro Tem Maloney moved to approve Resolution No. 38; seconded by Councilmember Lipton.

Councilmember Lipton supports option three to have the least amount of risk for all attending. He does not feel option two would put everyone on the same playing field. He noted the Planning Commission has shown complicated and highly attended hearings can happen electronically. He feels strongly things are going to get worse before they get better and we should be as conservative as possible while still moving projects through the process. We can reevaluate in a few months if things change with the pandemic.

Councilmember Dickinson agreed this is going to be around for a long time and we need a way to move forward. He could support either option two or three.

Councilmember Leh noted quasi-judicial hearings are very serious as is public health so we need a balance. He feels option two is workable and could be done in a way to make everyone feel comfortable. He noted there is no legal impediment from having these meetings in-person but feels option two balances the safety concerns while allowing people the option to attend in person. He supports option two.

Councilmember Brown stated he supports option two as it is important to allow people to participate in-person. He stated having an in-person option is important for our citizens. He does not think it is appropriate for the Council to say it is too dangerous to hold an in-person meeting but it is ok for people to be put at risk collecting signatures for a petition. He feels that would be unethical.

Councilmember Fahey supports option three as case numbers are rising and the latest information is the spread of the disease can happen easily in a closed space like a meeting room. As a person in a high risk category she does not want to attend in-person. She feels there are ways to collect signatures safely if people follow proper procedures. She stated until a meeting can happen safely in-person she supports option three.

Mayor Stolzmann stated this is a challenging topic. She noted option two likely would feel like people are not on the same playing field and that electronic meetings in option three are just not the same as in-person. When we have done big issues in the past the in-person attendance has been vital. The electronic meetings are not equivalent to in-person meetings; there are significant challenges in hearing everyone clearly and we cannot see and interact with everyone. She stated originally she supported option two but at this time she feels the best option is to postpone these types of quasi-judicial hearings until such time as we can all meet safely in-person.

Councilmember Dickinson stated to him an indoor meeting with a large number of people is more dangerous than collecting signatures that could be done outside where it can be done more safely. He does not feel this is a double standard.

Roll Call Vote: Motion passed 4-3; Mayor Stolzmann and Councilmembers Brown and Leh voting no.

**ORDINANCE NO. 1796, SERIES 2020 – 1ST READING, SET PUBLIC HEARING
7/28/20**

Option 1 Sales and Use Tax:

AN ORDINANCE IMPOSING AN ADDITIONAL SALES AND USE TAX NOT TO EXCEED 0.13 PERCENT BEGINNING JANUARY 1, 2021, TO BE USED TO FUND RENEWABLE ENERGY OBJECTIVES INCLUDING, BUT NOT LIMITED TO, BULK RENEWABLE ENERGY PURCHASES AND RENEWABLE ENERGY PROGRAMS, AS SUCH PROGRAMS BECOME AVAILABLE; AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 3, 2020

Option B Property Tax:

AN ORDINANCE SUBMITTING A TABOR BALLOT ISSUE TO THE REGISTERED ELECTORS OF THE CITY OF LOUISVILLE AT THE SPECIAL ELECTION TO BE HELD NOVEMBER 3, 2020

Mayor Stolzmann stated this is first reading so there is no public discussion but Council may have discussion on changes or additional information they would like for second reading. Council may also choose not to move these forward at this time.

Mayor Stolzmann stated she does not feel these are ready to move forward. There was not enough time for staff to get the information needed to make a good decision on how to make this equitable for all customers. She suggested taking the time to get additional information about the renewable energy certificates and see if there is a way to make a down payment towards these in the 2021 budget. That conversation can take place during the budget discussions.

Mayor Pro Tem Maloney agreed with the Mayor. He really likes the idea of this program but we don't have enough information to put it in front of voters. Putting this in the budget discussion makes sense. He strongly supports the idea if we have a solid proposal.

Councilmember Lipton agreed this is important and we need to find a funding source to move it forward.

Councilmember Dickinson stated we should do something soon so if that means putting that in the budget we should strongly consider that. Councilmember Brown agreed.

Mayor Stolzmann asked if anyone had a motion to adopt. There was no motion to adopt.

ORDINANCE NO. 1797, SERIES 2020 – AN ORDINANCE IMPOSING A DISPOSABLE BAG TAX OF TWENTY-FIVE CENTS PER BAG BEGINNING JANUARY 1, 2022 AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 3, 2020 – 1ST READING, SET PUBLIC HEARING 7/28/20

Mayor Stolzmann introduced the item.

Councilmember Fahey moved to approve the ordinance on first reading and set the public hearing for 7/25/20; Councilmember Dickinson seconded the motion.

Councilmember Lipton asked for consideration of amendments for second reading. He strongly supports a bag tax, however he does not support this as presented. He would prefer something that is more limited in the merchants required to participate; he does not want to charge for paper bags, only plastic bags; and he does not want to have the highest bag fee in the state. The goal is to get people to not use plastic bags, not to charge a huge amount as a disincentive. He would like flexibility for the fee to start at ten cents and have the option to make it higher at Council's discretion.

City Manager Balser stated staff can bring back possible amendments for second reading for Council consideration.

Mayor Pro Tem Maloney agreed the goal is to change behavior not to generate funding. That fee amount should be reconsidered.

Voice vote: All in favor.

DISCUSSION/DIRECTION/ACTION – INTEGRATED WEED MANAGEMENT PLAN

Director Mosley stated this was originally discussed in February. At that time Council gave direction to discontinue the use of herbicides containing 2,4D and glyphosate (RoundUp) on City owned and maintained properties with the exception of the Coal Creek

Golf Course. This has been incorporated into the Integrated Weed Management Plan (IWMP) presented tonight for Council's consideration.

Staff would like the Council to consider language to be added to the Plan that would allow for the use of 2,4D and glyphosate in very limited circumstances with approval from the Open Space and Parks boards if other options are not successful.

There is a fiscal impact of approximately \$100,000 with these changes as more staff time is required for control methods.

Councilmember Fahey asked for some information on the health effects of some of the new products. She also noted a local golf course had gone to organic herbicides and asked if staff could look into that. She is pleased with the ban on 2,4D and glyphosate.

Councilmember Leh asked if the authority to use 2,4D and glyphosate in limited amounts were approved, where would staff want to use it. Director Mosley stated it would be helpful for cheat grass and Russian thistle for open space as it kills both the above ground weed and the underground seeds in one treatment. Also, perhaps on the manicured sports fields. However staff is looking at many other options and would only want to use it if there were no other options. This is not in the plan as presented tonight.

Councilmember Lipton was concerned at the cost of labor and equipment to replace some chemicals. He thinks there may be some additional capital costs as well. He stated that we will need to manage the expectations of the public. If we ban these chemicals there will be more weeds and we need to be realistic about that. He would like to put in the plan the option to use the chemicals only with City Manager approval. He also wants Council to be ready to fund this if they don't want to use the chemicals.

Mayor Stolzmann stated Council has previously committed to this knowing it will mean more weeds and a need for lots of communication with the public on expectations.

Public Comments

Sherry Sommer, 910 South Palisade Court, agreed some weeds must be treated but others can be acceptable like dandelions to be safe.

RJ Harrington, 457 Raintree Court, stated he supports a full ban on these chemicals. The cost of the chemicals versus the cost to the environment is an easy answer.

Councilmember Brown moved to approve the IWMP as presented, Councilmember Lipton seconded the motion.

Roll Call Vote: motion passed by unanimous roll call vote.

ORDINANCE NO. 1798, SERIES 2020 – AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE CONOCOPHILLIPS CAMPUS GENERAL DEVELOPMENT PLAN – 1ST READING, SET PUBLIC HEARING 8/4/20
(Redtail Proposal – Request for a Comprehensive Plan Amendment to Change the Phillips 66 Special Use District)

Mayor Stolzmann introduced the item by title. Councilmember Lipton moved to approve the ordinance on first reading and set the public hearing; seconded by Mayor Pro Tem Maloney.

Voice vote: 7-0

A REQUEST TO APPROVE LANDMARK STATUS AND PRESERVATION GRANT FOR 925 JEFFERSON AVENUE – *request to continue to 7/21/20*

Councilmember Dickinson recused himself as the applicant is his mother. Mayor Pro Tem Maloney moved to continue the item; Councilmember Fahey seconded the motion.

Voice vote: members voted to continue the item.

A REQUEST TO APPROVE LANDMARK STATUS AND PRESERVATION GRANT FOR 1016 GRANT AVENUE– *request to continue to 7/21/20*

Councilmember Leh moved to continue the item; Mayor Pro Tem Maloney seconded.

Voice vote: members voted to continue the item.

A REQUEST TO APPROVE LANDMARK STATUS AND PRESERVATION GRANT FOR 1200 JEFFERSON AVENUE – *request to continue to 7/21/20*

Councilmember Leh moved to continue the item; Councilmember Fahey seconded.

Voice vote: members voted to continue the item.

CITY ATTORNEY’S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

ECONOMIC VITALITY COMMITTEE – meeting this week

FINANCE COMMITTEE – meeting next week

LEGAL REVIEW COMMITTEE – no report

UTILITY COMMITTEE – Councilmember Lipton noted they will be discussing Windy Gap financing.

COLORADO COMMUNITIES FOR CLIMATE ACTION – Councilmember Fahey noted the CC4CA policy agenda will be on the agenda at the next Council meeting.

COMMUTING SOLUTIONS – Councilmember Leh stated they met in June and had a lot of discussion of funding needs.

CONSORTIUM OF CITIES – no report

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – no report

DENVER REGIONAL COUNCIL OF GOVERNMENTS – Mayor Stolzmann stated they will be discussing possible changes to the TIF process.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – no report

MAYORS & COMMISSIONERS COALITION – Mayor Stolzmann stated they are discussing the RTD accountability committee and who from MCC to participate.

METRO MAYORS CAUCUS – Mayor Stolzmann stated they are encouraging consistent mask rules in the region.

REVITALIZATION COMMISSION – Councilmember Lipton stated they met and discussed potential participation in the recovery program for small businesses.

XCEL ENERGY FUTURES – no report

ADVANCED AGENDA – no discussion

Councilmember Leh gave an update on future community conversations around equity and diversity.

ADJOURN

Members adjourned at 8:27 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk